

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
Dhruva R. Chakrabarti et al.

Examiner: Wu, Junchun

Serial No. 10/699,144

Art Unit: 2191

Filing Date: October 31, 2003

Attorney Docket No.: 200313003-1

Title: Cross-File Inlining by Using Summaries and Global Worklist

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REPLY BRIEF

Sir:

This reply brief is responsive to the Examiner's Answer mailed December 2, 2008.

It is believed that no additional fee is required. If for any reason an insufficient fee has been paid or additional fees are required, the Commissioner is hereby authorized to charge the insufficiency to Deposit Account No. 08-2025 (Hewlett Packard).

REMARKS

This reply brief responds to one or more of the new contentions in the Examiner's Answer. Detailed explanations why the pending claims are patentable over the references of record are provided in the Appeal Brief, and not repeated here in the interest of clarity and brevity.

I. RESPONSES TO EXAMINER'S ANSWER

Applicants respectfully submit the following arguments in rebuttal to the Examiner's contentions in regard to the limitation that "determining the call sites to be inlined involves **proceeding only once through the call sites** in said dynamically-updated globally-sorted working-list based order" (emphasis added). Per the Examiner's Answer, these contentions are relevant to independent claims 1, 8, 15 and 16. (Note that claim 16 uses somewhat different language and states, for example, "using the inliner summaries in a one-pass inline analysis phase.")

First, as admitted by the Examiner, "Schmidt discloses two phases including approximation phase and refinement phase." (Examiner's Answer, page 16, lines 4-5.) Thus, the Examiner does not dispute that Schmidt discloses **two phases** in determining call sites to be inlined. Applicants respectfully submit, as further explained in the Appeal Brief, that each phase in Schmidt proceeds through a list of the call sites at least once. In particular, the approximation phase of Schmidt proceeds through the call sites using the "initial priority queue," and the refinement phase proceeds through the call sites using the "ReadyQueue" and the "AuxQueue."

The Examiner conveniently chooses to ignore the fact that Schmidt teaches **proceeding multiple times through the call sites** for inlining purposes. Instead, the Examiner contends that it is proper to "**only take refinement stage into considerations** because Schmidt discloses only in the refinement stage that the determination of which procedures to inline possibly is changed and two priority queues are used to accomplish this." (Examiner's Answer, page 16, lines 5-7, emphasis added.) Applicants respectfully

submit that **ignoring the approximation phase** of Schmidt is improper and unreasonably distorts the teachings of Schmidt.

Second, based on the use of the “comprising” term in the claims, the Examiner incorrectly asserts, “The claims allow for proceeding only once during the approximation phase to generate the list and the proceeding once through said list during the refinement phase.” (Examiner’s Answer, page 16, lines 14-16.) This contention by the Examiner is incorrect for the following reasons.

The mere use of the term “comprising” in the preamble of a claim does not render every single limitation in the claim to be “open-ended.”. In particular, consider the limitation at issue that “determining the call sites to be inlined involves **proceeding only once through the call sites** in said dynamically-updated globally-sorted working-list based order” (emphasis added). Applicants respectfully submit that the term “only once” in this limitation makes it very clear that this is not an open-ended limitation which may be interpreted as reading on proceeding *multiple* times through the call sites.

Moreover, applicant points out that the approximation phase of Schmidt does not merely “generate” a list. Rather, it proceeds through the initial priority queue to determine an approximation of the best sites to be inlined (Schmidt, col. 5, lines 59-67). Subsequently, the the refinement phase proceeds through the call sites using the “ReadyQueue” and the “AuxQueue.”

For at least the above reasons, applicant respectfully submits that the rejection of independent claims 1, 8, 15 and 16 should be withdrawn. Similarly, the rejection of the dependent claims should also be withdrawn.

II. CONCLUSION

For the above reasons and the reasons given in the Appeal Brief, withdrawal of the claim rejections is respectfully requested.

Respectfully submitted,
Dhruva R. Chakrabarti et al.

Dated: January 13, 2009

/James K. Okamoto, Reg. No. 40,110/
James K. Okamoto, Reg. No. 40,110
Okamoto & Benedicto LLP
P.O. Box 641330
San Jose, CA 95164
Tel.: (408)436-2110
Fax.: (408)436-2114

CERTIFICATE OF MAILING			
I hereby certify that this correspondence, including the enclosures identified herein, is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below. If the Express Mail Mailing Number is filled in below, then this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service pursuant to 37 CFR 1.10.			
Signature:			
Typed or Printed Name:	James K. Okamoto	Dated:	January 13, 2009
Express Mail Mailing Number (optional):			